

***A Presentation By***

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**DEVELOPMENTAL NEEDS OF CHILDREN AND CONTACT  
REGIMES**

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Matching contact regimes to the developmental needs of children is simple, isn't it? Not really. Not even when the topic is condensed by touching mainly on social, emotional and moral development. (Biological and cognitive development - including language development - are implicitly significant, as they provide the necessary "scaffolding" to build on.)

I am considering the issue in the light of the current family law climate in Australia – particularly the move towards a presumption of "shared parental responsibility" in relation to major long term children's issues, this change having been driven by various social and cultural forces – some quite controversial, such as what has come to be known in some quarters as "the men's lobby".

As I understand it, the notion of a presumption of 50/50 shared custody was rejected by the committee which advised the government on the currently proposed amendments to the Family Law Act. However, parents will be encouraged to *consider substantial sharing of parenting time when reaching agreement on parenting arrangements* [Explanatory Statement to the Family Law Amendment (Shared Parental Responsibility) Bill 2005, p1]. Under the new amendments, advisors to parties (namely legal practitioners, family counsellors, family dispute resolution practitioners and family and child specialists) will have an obligation to inform their clients of the possibility of the child / children *spending substantial time with each of them* (p6). Obviously, there is considerable scope for interpretation of "substantial" in this context.

As would be expected in such a multicultural and democratic society as ours, many individuals and groups with diverse backgrounds and views have had input into the proposed amendments to the Family Law Act (eg the Refugee Council of Australia). Some understanding of the debate between supporters of "father's rights" on the one hand and those emotionally attached to a traditional "mothers are best" approach can be gained by taking the time to

check it out on-line. You will note that research evidence in relation to shared care is building, but at times is used by both groups in a self serving and one eyed manner. You could start with any one of a number of sites.

[www.gate.net/~liz/liz/005.htm](http://www.gate.net/~liz/liz/005.htm) is a pro mother site with links to men's rights sites (no doubt the most extreme have been selected). The beauty of sites such as this is that they lead to research based evidence. However, I strongly advise against accepting unreservedly the out of context snippets provided. You need to go to the sources of the articles and read them for yourself to really be informed, and remember to sift through the emotional rhetoric reflecting personal agendas, if you want to find scientifically sound evidence.

I commend a balanced review of the evidence by Paul Brereton, SC (Wentworth Chambers, Sydney) which focuses on the Australian perspective and the road from a "traditional custody / access model" for post separation parenting towards more equitable arrangements (Brereton, 2005). Brereton refers to Wallerstein and Kelly's findings in the 1980s that almost all the children in their research sample "longed and wished for more frequent visits with their fathers", and that the only children reasonably satisfied were those who could bicycle over to the father's house several times weekly, and where such frequent visits had the approval of both parents." (pp 3-4). He also refers to the more recent findings of Wallerstein and Lewis in a longitudinal follow up study of adults who were interviewed as children in 1977. This study found that many of the respondents reported their access schedules with their fathers had been "too disruptive and too inflexible", and that in such cases they got little or no enjoyment or benefit from access in the way of enhanced relationships with their fathers.

Cooperation between parents is the key. It is what we should all be encouraging if we really care about children. There is ample evidence that in separated families where children's orders are in place and the parents remain highly uncooperative, the children suffer just as much in unilateral sole custody as in joint custody arrangements (Williams, 1988). The main hope for

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averting later mental health problems, under achievement and substance abuse in the children who suffer, is for their parents to learn how to cooperate – even to a minimal degree.

Under the new amendments, the two primary and overriding considerations in determining best interests of the child will be ***the benefit to the child from having a meaningful relationship with both ...parents*** and ***the need to protect the child from violence or psychological harm ....***(p8) Obviously, at times these two imperatives will be hopelessly at odds. The amendments are also mooted to include more explicit references to other relatives (step parents, siblings, grandparents, uncles and aunts, nephews and nieces and cousins) in considering children's best interest.

In addition, we will have to get our heads and tongues around yet another change of terminology. This time, instead of parents having "residence", children will "live with" one or the other or both parents and instead of having "contact" with their parents, they will "spend time with" and "communicate with" them. It is hoped that this adjustment of terminology will achieve what previous changes have not achieved – that is, to *eliminate any sense of ownership of children* (p21).

In keeping with the spirit of the proposed amendments, I suppose what is actually being considering in this paper is:- ***DEVELOPMENTAL NEEDS OF CHILDREN AND THE TIME THEY SPEND LIVING AND COMMUNICATING WITH THEIR PARENTS, GRANDPARENTS AND OTHER RELATIVES.***

The Section 68 F imperatives of the Family Law Act for the court (when determining what is in a child's best interest) to consider inter alia the child's "maturity and level of understanding" as they relate to the weight to give to their "wishes" (soon to be replaced with reference to their "views") – [in (2) (a)] and their "maturity" [in (2) (f)], seem on the face of it, clear enough. But how

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can we really use knowledge of children's developmental needs (or maturity) in best practice decision making in children's matters?

The trend amongst experts in this field is to have a repertoire of contact regimens to draw upon and to try to match one or a combination of several to the needs of the particular child and parents. Creative options are now being generated more than ever before, the hackneyed "traditional" solutions often being discarded. Innovative thought, dedication and diligence are required to succeed with such an approach – especially where there is more than one child and the children's needs differ significantly. Some of the most detailed and flexible recent models include those of Ricci (1997), Wallerstein and Blakeslee (2003), Emery, (2004), and Kelly, (2004). I recommend an article by Bruce Smyth in the Australian Institute of Family Studies' *Family Matters* (2004), which critically analyses these models and more. The Emery and Kelly models are accessible on the web and are certainly worth a look. The detail and options provided are somewhat mind boggling, but they are rich resources for those of us lacking the imagination or inclination to devise tailor made age related parenting schedules.

I do not propose to provide formulae for parental contact at various stages of child development. That simply would not reflect the complexity and idiosyncrasies of human development, family composition and dynamics or the spirit of the proposed amended Family Law Act. I shall, however, refer to a range of models as illustrations of what I believe we should be doing in this "more enlightened" period of Australian family law history.

**1. The Neonate – from Birth to Three or Four Months:**

1.1 The neonate's basic physical needs are obvious:-

- Regular and sufficient food – breast milk or formula – every three or four hours on average;

- Sleep – 16½ hours a day in the first week, 15 by the end of the fourth week and 14 by the end of four months (Thoman and Whitney, 1989);
- Shelter from the elements;
- Cleanliness – prevention of skin irritations such as nappy rash.

1.2 Neonates, for their very survival, also need carers who are responsive to their cries of hunger or discomfort and who have certain rudimentary parenting skills and confidence.

1.3 Bowlby (1969) called this the "pre-attachment phase", using the term "attachment" for the phenomenon whereby infants were observed to develop an emotional dependence on their mothers which provided a complex balance between the need for safety and need for varied learning experiences. Bowlby's focus on the mother-child dyad was in keeping with the social mores of the 60s, which assumed that it was ideal, if not essential, for mothers to be the first attachment figures if their children were to have any chance of normal emotional development. More recent research, however, indicates that whether or not the primary carer is a male or a female in these early months does not seem to matter, as long as infants are handled gently and with affection and their first crude efforts to communicate are reciprocated.

1.4 For the first couple of months, infants do not become upset over being left with unfamiliar caregivers. By 2½ to 3 months, the "social smile" emerges. Babies need to be given the opportunity both to smile in response to the smiles of others and to elicit smiles from others if the building blocks for normal relationship formation throughout life are to be laid (Emde, Gaensbauer and Harmon, 1976). Their carers must demonstrate sufficient interpersonal warmth to interact with them in an animated and responsive fashion.

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1.5 A major issue in family court disputes involving young infants is whether the infant is breast or bottle fed. Obviously, if breast fed, it can be assumed that the neonate is in the primary care of the mother and that it is the father or significant other who is attempting to spend some time with the infant. Although expressing breast milk will allow some more flexibility for contact, when the breast feeding relationship is first being established it is vital to respect the needs of the mother and the child for as little additional stress as possible and for the mother to be able to respond first and foremost to her infant's needs. Having to comply with schedules for contact away from the mother's home is most likely to be unworkable at this early stage. If the child is formula fed then there is no reason why primary care cannot be provided by any sensitive and competent person with the infant's best interests at heart. It is best, however, if this person is likely to continue to be a significant person in the child's life.

1.6 All adults (experienced and inexperienced carers alike) typically respond to the cries of an infant with increased heart rate and blood pressure – both physiological signs of stress or anxiety (Bleichfeld and Moely, 1984). If the caregiver is unable to settle the baby and reaches the point, for whatever reason, where negative emotions elicited by the crying are too much to bear, the worst case scenario is physical abuse of the infant (Frodi, 1985). Factors such as mental health problems and financial stress can predispose parents – particularly inexperienced and anxious parents – to over-reaction to their infant's cries. Adequate support systems are very important in mitigating these negative responses. Considering the physical vulnerability of the very young infant, it is most important that all carers possess the emotional resources to cope with his or her care.

1.7 Whatever the arrangements are for contact, they must take into account the need for the neonate to be close to at least one primary carer who is learning to accurately "read" the infant's signs of distress. The child in turn develops a sense of security, trust and predictability, which are the rudiments

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of a sense of self confidence or self esteem (Wallerstein, Lewis and Blakeslee, 2000).

1.8 Both traditional and more "modern" wisdom recommend that the ideal at this age is for contact periods with non resident parents to be relatively short, to occur frequently and for arrangements to be flexible enough to truly accommodate the idiosyncrasies of the infant (eg. Baldwin, E, 1995). A major problem of course is that the parents will have separated either during pregnancy or when the child was newborn and so emotions – blame, guilt, vindictiveness and grief – are most likely running high, whilst the necessary communication and cooperation are sorely lacking. A rigid contact schedule may of necessity need to be imposed, if the non resident parent is to develop a bond with the child.

1.9 Various contact options have been recommended for newborns, but not many are workable in my view. That of Robert Emery (2004) takes into account variations in the capacity of the parents to cooperate and looks at *traditional options for an angry divorce, more integrated options for a distant divorce* and *closely integrated options for a cooperative divorce* for each age group. Going for the middle condition, Emery recommends the following options when the child is aged from birth to 18 months:-

- *Every Saturday from 11:00 a.m. until 5:00 p.m., including an afternoon nap; every Wednesday evening from 4:30 p.m. until 6:30 p.m., perhaps spending some time at the residential parent's home; or*
- *Every Saturday from 2:00 p.m. until 6:00 p.m.; every Monday and Wednesday from 3:00 p.m. to 5:30 p.m., picked up at day care and returned to other parent's home.*

It is difficult to imagine how such a schedule would work for the neonate, the time periods for separation from the primary carer being too great in my opinion. I prefer the recommendation of Mary Lund, (2005) for contact every other day in the primary carer's home for up to three hours, with the contact

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parent taking some responsibility for infant care during this time. She refers to evidence that in the case of the very young infant, this reversal of what is normally recommended to reduce the risk of conflict between the parents (that is, less frequent changeovers in a neutral environment), enhances the likelihood of continued long term contact between father and child - because of the father's bond with the infant. It goes without saying that the more time spent changing nappies, feeding and soothing his baby, the more competent and confident the father will be and feel.

1.10 The challenge for conscientious separated parents of very young infants is to find a way to put aside their differences in the interests of their child's healthy development. The challenge for their lawyers is to help them see that this is what must happen and to help them find a way to do it. Mediation may be necessary to formulate a workable plan – perhaps with an interested third party who is acceptable to both parents being present for these early contact sessions. Of course, in the case of domestic violence or excessive post-separation conflict, it may be necessary for the frequency and duration of contact periods to be sub-optimal and to occur at a neutral venue – perhaps even under supervision.

## **2. The Infant from Four to Twelve Months:**

2.1 During this age range the child's physical needs remain similar to those of the neonate, although the need for sleep gradually declines and the need for socialization and cognitive stimulation increase accordingly.

2.2 Around six to eight months, normal infants discriminate between the people they come into contact with and prefer one or two special people over all others. The target for this "attachment" phenomenon is usually the mother, **but not always** – not even when she is the one to perform all the routine nurturing tasks. Research has shown that even with a maternal primary caregiver, some babies attach to the father or a grandparent or older

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sibling in preference to the mother. Others do not form single attachments at all and make multiple attachments simultaneously (Schaffer and Emerson (1964). It was observed by Schaffer that:

*...being attached to several people does not necessarily imply a shallower feeling towards each one for an infant's capacity for attachment is not like a cake that has to be shared out. Love, even in babies, has no limits (1977, p 108).*

2.3 Similarly, there is some evidence that high quality day care for infants does not jeopardise their attachment to their parents, the quality and sensitivity of the parents' care being more significant than the quantity of time spent with their infants (Peterson, 1996, pp 158-160). It needs to be said, however, that the jury is still well and truly out in relation to the long term effects of very early regular out of home care. There is, a growing body of research evidence to suggest that good quality day care is not detrimental and can in fact make positive contributions to the later intellectual and social development of young children (Cole, M. and Cole, S. R., p457). The length of each day care session is also a significant factor.

2.4 Bowlby called the time between six and eight months the start of the *clear cut attachment phase*, during which children typically display separation anxiety when the distance between them and their mother becomes uncomfortable, the mother providing a secure base from which the infant can explore the immediate environment and the distance travelled in these excursions becoming greater over time.

2.5 It is now realized that fathers also have a unique contribution to make to their infants' development in a normal parenting duo and also as primary carers. Babies often prefer to play with their fathers than with their mothers (Lamb, 1975) and what mothers and fathers offer to their offspring differs – even at very young ages. For example, whereas mothers tend to speak more soothingly and to hold their babies closer, fathers tend to provide

more physical stimulation and to communicate using sharper and louder bursts of sound. Some studies have connected the popularity of school boys with whether or not their fathers engaged in affectionate and stimulating play with them in infancy and infants of both sexes with involved fathers have been shown to score higher on tests of cognitive development (Radin, 1986).

2.6 Many experts now believe that fathers can also be just as nurturing and sensitive with their babies as mothers (Pruett, 1987) and where the father is the primary caregiver, he is more likely to behave like a mother would be expected to behave - that is, more like a classic nurturer than a fun figure (Field, 1978). When fathers spend more time with their babies, they get to know exactly what each of their baby's signals mean and this familiarity allows them to respond sensitively, reading their baby's signals more accurately – like the traditional mother (Lamb, 1997).

2.7 Contact regimens recommended for infants in this age group are based on the infant being more mobile than the neonate, but regular overnight stays away from the primary carer are not usually recommended yet. Common sense tells us that the average infant can cope with occasional sleep-overs without the primary carer, provided familiarity is maintained in their normal routine and they are not left with strangers. It may be that as our thinking advances further, it will be realized that both parents can safely spend *substantial* periods of time with children who are even this young. After all, it was not very long ago that it was thought that children should not sleep away from their mothers - even for a night - until they were of at least school age. Cooperation between parents and synchrony in routines will minimize negative impact on the infant.

2.8 The ideal at this age is generally considered to be one or two hours at a time with the non resident parent several days a week, so that the infant can learn to trust this parent as well as his or her primary carer (Wallerstein, Lewis and Blakeslee, 2000).

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2.9 Schedules such as Emery's are more suitable for this group than for neonates, most infants being in a reasonably predictable routine by this age. As an example of what can be done about maintaining or establishing relationships with both parents at this stage, Emery's options in the case of *the angry divorce* are as follows:-

- *Every Saturday from 11:00 a.m. until 5:00 p.m., including an afternoon nap; or*
- *Every Saturday from 9:00 a.m. until 1:00 p.m.; every Wednesday from 3:00 p.m. to 5:30 p.m., picked up at day care and returned to other parent's home*

The first option is not ideal, since the young infant ideally needs shorter periods separating contact sessions with the non resident parent.

In the case of a *cooperative divorce*, Emery suggests the following:-

- *Every Saturday from 11:00 a.m. until 5:00 p.m., including an afternoon nap; every Monday and Wednesday evening from 4:30 p.m. until 7:30 p.m.; some contact/feeding/bedtime takes place at residential parent's home; or*
- *Two weekdays from 8:00 a.m. until 1:00 p.m. (substituting for child care); every Saturday from 11:00 a.m. until 5:00 p.m.; occasional Saturday overnights if the baby seems to tolerate them well.*

### **3. Toddlers from One to Three Years:**

3.1 Attachment to the primary carer and to other interested persons takes on considerable significance during this period – especially when considering the viability of contact with non resident parents. Mary Ainsworth developed the benchmarking *strange situation* test for assessing the security of the mother-child relationship, this being a tool which is sometimes used in

family assessments for forensic purposes. In Ainsworth's experiment, twelve month-old middle-class American children were left alone with their mothers in a playroom, the mother left the room, a strange woman offered comfort to the child, and the mother returned. The crucial factor was found to be the way the children reacted to the return of their mothers. Ainsworth (Ainsworth, Bell and Stayton, 1971 and Ainsworth et al., 1978) categorized the attachment of infants as *anxious/avoidant*, in which case on the return of the mother the infant would be indifferent to her, *securely attached*, whereby the child could not be consoled by a stranger but quickly settled on the return of the mother, and *anxious/resistant*, the child in this latter instance being distressed when the mother left and also not being comforted by her return.

3.2 According to more recent research, the most important prerequisite for secure attachment is thought to be the sensitive responsiveness of the caregiver to the infant's needs – especially to states such as anxiety, fear, fatigue and illness. Secure attachment leads to a sense of control over the environment, as the infant starts to venture further and further away from attachment figures and to develop a sense of self worth. Many studies (summarised in Isabella, 1993) associate securely attached infants with mothers who are (unlike the mothers of insecurely attached infants) more responsive to their children's signals of distress and more positive in their emotional expressions to their children. The children of extremely insensitive mothers are more likely to be rated as insecurely attached (Schneider-Rosen et al., 1985; van Ijzendoorn et al., 1992).

3.3 There are dangers, however, in reading too much into observed separation behaviours. A toddler's temperamental disposition and cultural background should also be considered. Research results to date are inconclusive as to the effect of the child's temperament on the quality of attachment, but there is evidence that mothers (presumably other carers too) need responsive infants in order to achieve their full potential as caregivers (Campos et al., 1983; Lewis and Feiring, 1989).

3.4 As for cultural factors, there is evidence that where a culture values independence – such as in Germany – young children are more likely to be classified as *anxious/resistant* (Ainsworth, et al., 1978) and where dependence is more highly valued, as in traditional Japanese families, as *anxious/resistant* (Miyake, Chen and Campos, 1985). Clearly, Ainsworth's *strange situation* test is implicitly prefaced by certain culturally biased presumptions about desirable levels of dependence and to blindly rely on it in all family contexts invites bias and injustice. Research in modern western society, comparing the reactions of infants to mothers and that to fathers in the *strange situation*, could be enlightening.

3.5 In the second and third years of a child's life, all areas of development proceed at an enormous rate – from fine and gross motor skills to social and imaginative play which involves cooperation and the taking on of roles such as leader and follower. Normal three year olds can communicate quite complex ideas in comprehensible sentences and have extensive vocabularies, even tailoring speech to suit their listeners' needs (Schatz and Gelman, 1973). From this capacity to communicate comes early socialization and the ability to form many levels of relationship across all age groups.

3.6 Associated with the toddler's discovery of a sense of autonomy – a self separate from the primary attachment figure and able to make decisions which do not necessarily correspond with the requirements of the carer - is a period of negativism which is often described as the "terrible twos" or "terrible threes" and is associated with the continual use of the word. **"NO"**. Children at this age need firm and appropriate limits at the same time as they need the sense of security which allows them to test their emerging abilities. Parents and other carers need patience, persistence, and a clear and positive sense of self to handle them appropriately.

3.7 Securely attached two year olds demonstrate willingness to venture away from their caregivers and explore strange environments. These toddlers are ahead of their insecurely attached peers in terms of self esteem, popularity, problem solving skills, social skills, ability to cope with failure, learning skills, curiosity, independence from parents, and freedom from behavioural or emotional problems (Sroufe, 1985).

3.8 Children in this age group need frequent contact with their attachment figures since they lack the ability to hold memories of them for extended periods of time (Lund, 2005). It is at this stage that, provided logistics lend themselves to it, a more equitable form of shared care, including overnight stays with the contact parent, can be considered – provided the child is attached to the contact parent and the contact parent has necessary parenting skills. If the toddler has coped with overnight stays with babysitters, sleeps through the night, allows the contact parent to comfort him or her in stressful situations and the contact parent's home is appropriately equipped, this augers well for extension of contact periods. Secure attachment to both the primary and contact carers will predispose to a successful increase in time with the contact parent.

3.9 Despite culturally and socially entrenched expectations of mothers and fathers, Dads are learning to become carers for very young children (under two) and early findings of a Western Australian collaborative study conducted by NGALA Family Resource Centre, Anglicare WA, and Lifeline WA (Ladbrook, 2003), supports the view that there is a "continuum among men and women" stretching "from standardised to negotiated gender roles" and that "men are able to learn to attach, relate to and nurture their (very young) children".

3.10 Emery recommends the following options for this age group:

*Traditional Options for an Angry Divorce*

- *Every Saturday from 2:00 p.m. until 6:00 p.m. Overnight until 10:00 a.m. on alternate Sundays; or*
- *Every other weekend from 2:00 p.m. on Saturday, with an overnight until 11:00 a.m. on Sunday. Alternate Monday evenings from 5:00 p.m. until 7:00 p.m. on the Monday following the weekend spent with the residential parent.*

#### *More Integrated Options for a Distant Divorce*

- *Every Saturday from 9:00 a.m. until 5:00 p.m., including a nap. Overnight until 9:00 a.m. on alternate Sundays. Every Wednesday evening from 4:30 p.m. until 6:30 p.m.*

#### *Closely Integrated Options for a Cooperative Divorce*

- *Every Saturday from 10:00 a.m. until 10:00 a.m. Sunday. Every Monday and Wednesday evening from 4:30 p.m. until 7:30 p.m.; some contact/feeding/bedtime taking place at residential parent's home; or*
- *Two weekdays from 1:00 p.m. until 5:00 p.m. (substituting for child care); every Friday from 1:00 p.m. until 12:00 p.m. on Saturday.*

3.11 Many other options could also be generated to accommodate the particular circumstances of young children and their parents. Contact centres or other neutral and supervised venues may need to be considered for changeovers in highly conflictual situations. Parental residences may not need to be in particularly close proximity at this stage if the child's world is still centred around the parents. However, consideration needs to be given to the impact on the child of long periods travelling, as well as to the increased statistical risk of accidental injury as a result of that travel.

#### **4. Pre-Schoolers from Four to Five Years:**

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4.1 Pre-schoolers are capable of many amazing achievements but they do not yet think like adults, functioning at quite a different level conceptually. Piaget called this stage of cognitive development "pre-operational". Children in this age group tend to think in rather magical ways, for instance attributing human feelings to plants and inanimate objects (*animism*) and having no concept of *conservation* – that is, that no matter how certain things or groups of things are arranged, they are in fact the same.

4.2 They typically attribute causation in what adults would consider an irrational manner. For instance, in parental disputes they tend to perceive themselves as the cause of the conflict, since they have difficulty understanding their parents other than in terms of their relationship to them (McIntosh, 2003). At this age, children will often align themselves with one parent and alienate themselves from the other in order to simplify matters – not necessarily because they have a true alignment with one over the other. They are also likely to believe that everything is back to normal when the fighting stops, as their understanding of the world is very concrete and experientially based.

4.3 At this age, a common scenario in the Family Court system is that the primary care parent claims that there has been some sort of abuse perpetrated by the other parent and the pre-schooler will often support these claims – sometimes "remembering" things which are said to have occurred years ago – perhaps even when the child was pre-verbal. Pre-schoolers display excellent memory for detail which is acquired incidentally rather than deliberately, however, relying on their recall of events can prove problematical because of difficulty at this age with associating time sequences and events and giving specific examples of recurrent events (Nelson, 1986). In addition, if young children's testimony is probed for detail which they do not in fact recall, they have a tendency to make up the information required (Goodman, Aman and Hirschman, 1987) or agree when it is put to them. Even adults can be suggestible when interviewed about past events (Loftus, 1979), but when

adult interviewers make erroneous suggestions about events, young children are particularly vulnerable to agreeing, changing their stories, or even forgetting the original memories as a result of blending the real with the suggested (Ceci and Bruck, 1993 and Siegal, 1991).

4.4 Play takes on a great deal of importance for pre-schoolers and has a major influence on their cognitive and physical development – through physical activities, social activity with peers, and most importantly through fantasy play. The latter tends to foster creativity and has been associated with greater verbal fluency, better story telling and greater capacity to sit quietly (Singer, J., 1973). Parents who facilitate fantasy and imaginative play tend to keep homes where tidiness has a lower priority than children's freedom to explore their environment.

4.5 Fathers of imaginative and intellectually advanced pre-schoolers have been found to spend more time with their children than do other fathers (Fein, 1981). Domestic violence and frequent use of physical punishment are found to be associated with pre-schoolers being less imaginative or likely to engage in fantasy play (Singer and Singer, 1981).

4.6 Parenting style has also been found to impact significantly on the social behaviour of pre-schoolers (Baumrind, 1971, 1980). Pre-school children with authoritarian parents - especially boys - tend to lack social competence with their peers, to demonstrate an external locus of control and to lack spontaneity and intellectual curiosity. Boys from such families tend to later demonstrate anger and defiance in relation to authority figures.

4.7 At the other extreme, pre-schoolers with overly permissive parents tend to be immature and to lack self control. It is generally accepted that authoritative parenting - that is, more collaborative parenting whereby the parent's authority is implicit and does not need to be imposed - achieves the best results, children demonstrating better pre-school performance, social

adjustment, independence and contentment (Baumrind, 1980; Dornbusch et al., 1987; Lamborn et al., 1991). After parental divorce and separation, Authoritative parenting by the parent spending the most time with the child is associated with better adjustment by children of all ages (Hetherington and Clingempeel, 1992).

4.8 Pre-school and school aged boys fare worst in separated female led households in that they show a higher rate of behaviour disorder and social interaction problems than girls who live with their mothers or children of either sex living with both parents. They frequently become angry and unruly, and if the mother responds with harshness the situation tends to become worse (Baldwin and Skinner, 1989). Research has demonstrated that younger boys in female headed households tend to benefit when the mother repartners with another male (Hetherington and Clingempeel, 1992).

4.9 At this age, if one parent is significantly more available than the other then the child should probably live with this parent, as preschoolers still need a high level of contact with their parents. Advocates of traditional post separation parenting arrangements suggest every second weekend, together with mid week short visits. Shared care advocates on the other hand, are likely to recommend four nights a week with one parent and three with the other – perhaps with reversals each week (Lund, 2005). Where distance is an issue but the child is attached to both parents, Lund suggests that periods of two to three weeks away from the primary parent are acceptable by this age.

4.10 The research on what is the best arrangement is still very equivocal. Options for contact are, however, becoming more extensive by this age, because of the socialization and adaptability of the child. Emery's suggestions for the pre-schooler are worth considering.

#### *Traditional Options for an Angry Divorce*

- *Every Saturday from 11:00 a.m. until 2:00 p.m. on Sunday; or*

- *Every other weekend from 5:00 p.m. on Friday until 1:00 p.m. on Sunday. Alternate Mondays from 5:00 p.m. until 7:30 p.m. on the Monday following the weekend spent with the residential parent.*

#### *More Integrated Options for a Distant Divorce*

- *Every Saturday from 11:00 a.m. until 2:00 p.m. on Sunday. Every Wednesday evening from 4:30 p.m. until 7:30 p.m.; or*
- *Every other weekend from 5:00 p.m. on Friday until 3:00 p.m. on Sunday. Every Monday and Wednesday from 11:00 a.m. until 1:00 p.m. picked up and returned to day care.*

#### *Closely Integrated Options for a Cooperative Divorce*

- *Two weekdays from 1:00 p.m. until 5:00 p.m. (substituting for child care). Overnights every Thursday night. Every other weekend Thursday from 1:00 p.m. until 2:00 p.m. on Sunday; or*
- *Every Thursday from 5:00 p.m. until 5:00 p.m. on Saturday.*

## **5. Primary School Age Children from Six to Twelve Years:**

5.1 This is a period which has been found to universally herald greater expectations of the child by adults in general, as well as the rise of the peer group as a major developmental agent. The child in this phase of development spends approximately 40% of his or her waking time with peers – at school, in extracurricular activities and simply "hanging out". The role of teachers and other adult trainers also overtakes that of the parents in many ways. Parents still, however, are of vital importance in supporting and directing the developing child. Their capacity to assess and interact with the significant others in their child's life and to facilitate and support the child's activities is most important.

5.2 Along with greater physical size, strength and coordination, more abstract reasoning ability and the clearer adoption of sex typed roles, come greater independence and moral development, whereby the child's value system for life is established. In addition, an increasing number of twelve year olds have reached or are approaching puberty by the age of twelve and the accompanying physical changes together with relative emotional immaturity can produce a host of social and psychological issues.

5.3 Children in middle childhood develop a new sense of self which is in large part defined by how they feel they are perceived by their peers and how they perceive their peers. High self esteem during this period of development has been found to predict satisfaction and happiness in later life whilst low self esteem is associated with adult depression, anxiety and poor adjustment academically and socially (Harter, 1993).

5.4 Parenting style still affects self esteem in this age group. For instance, it has been found that parents of boys aged ten to twelve with high self esteem are accepted and approved of by their parents. Behavioural limits are clearly defined for them and parents show respect for their views, allowing for discussion and self expression (Coppersmith, 1967). In order to foster self esteem, parents should aim to give their school age children the sense that they have faith in them to control their own behaviour within certain boundaries (Harter, 1996).

5.5 Academic achievement is a most important goal of this period of development and there is evidence that children whose parents encourage exploration, explain what they are doing, listen to their children and have realistic expectations of them, are more successful academically (Stevenson, Lee and Stigler, 1986).

5.6 Parents' decisions about where to live and where to send their children to school influence their children's social status within their peer

group (Parke and Ladd, 1992). Also, the behaviour which is modelled at home for children to follow, influences their social behaviour and contributes to whether or not they are accepted by their peers (Rubin and Sloman, 1984). These factors can have great influence on the child's later social and career opportunities and success.

5.7 At this stage, as with every stage of development, significant time spent with each parent is conducive to healthier development of both sexes (Lund, 2004). Fathers are finally being recognized for their importance in healthy development through the primary school years, there having been many research studies to support this assertion.

5.8 For instance, girls with daily access to their fathers were found to have significantly better problem solving skills than their counterparts in mother headed single parent households (Fry and Grover, 1982). Steve Biddulph, in *Raising Boys (2003)*, tells us that at the age of about six, there is a "sudden switching on of boys' masculinity" and that across all cultures they "lock onto" their dads (or step dads) at this age. Although the school age boy still adores his mother, he "has to 'download the software' from an available male to complete his development" (pp 11-19). Biddulph even suggests that a lot of cases of ADD have been demonstrated to actually be DDD or *Dad Deficiency Disorder*. In *More Secrets of Happy Children (1998)*, he also refers to the important role of fathers in their daughters' development – particularly in shaping their self esteem (p128).

5.9 Children in the early school years are still very susceptible to being stressed by parental conflict. They perceive a wider range of negative interactions as conflictual and are likely to actually take on responsibility for helping warring parents – up to about the age of eight by distracting them through their own behaviour problems or by avoiding the conflict altogether and between the ages of eight and twelve, by stepping in and trying to stop the conflict (McIntosh, 2003). Neither solution is beneficial to the child. If

parents cannot protect their children from such conflict then they should not be observed together by their children.

5.10 Lund (2004) points out that if the parents each spend set nights each week with the child, this reduces the need for negotiation about homework and extracurricular activities, as each becomes skilled at dealing with the subjects and activities associated with those particular days of the week. There would still, however, need to be negotiation about weekend activities with such an arrangement.

5.11 It is important to note that children of this age have been found to prefer longer blocks of time to "ping ponging" between homes and that the more the father is experienced as a "real parent" instead of a "visiting" or "recreational parent", the more likely the child is to behave similarly across households and the less likely to be a discipline problem for either parent. (Lund, 2004). This is often compelling information for mothers in negotiation over parenting arrangements and a positive indicator for week about arrangements – provided the logistics of the situation are suitable (proximity of both homes to the school and peer group, financial ability to provide for all of the child's material needs in each household, etcetera). Where long distances exist between parents' homes, Lund recommends up to six weeks at a time for the primary school child with their "other" parent, preferably together with brief monthly contact – alternating between the child's and the long distance parent's local areas. It must also be remembered to allow for holiday time with the primary care parent.

5.12 For a comprehensive schedule of innovative options for primary school aged children's time with their separated parents, I recommend accessing the recommendations of Dr Joan Kelly on [http://www.coloradodivorcemediation.com/family/parent\\_plans.asp](http://www.coloradodivorcemediation.com/family/parent_plans.asp). It should be remembered that Dr. Kelly's suggested parenting schedules are not intended as "guidelines", but rather as *a menu of scheduling options* based on

child development and divorce research findings and issues. They are provided with an assumption that the choices will be made in a climate of mediation and will consider particular families' and children's background, circumstances, needs and preferences.

5.13 Emery's suggestions for this age range are broken into those for early school-age Children from six to nine years and those for late school-age children from ten to twelve years old.

For the former he suggests the following options:

*Traditional Options for an Angry Divorce*

- Every Friday from after school until 5:00 p.m. Saturday; or
- Every other weekend from 5:00 p.m. Friday until 4:00 p.m. Sunday; Alternate Mondays from 5:00 p.m. until 7:30 p.m. on the Monday following the weekend spent with the residential parent.

*More Integrated Options for a Distant Divorce*

- Every Friday from after school until 5:00 p.m. Saturday; Every Monday evening from 4:30 p.m. until 7:30 p.m.; or
- Every other weekend from 5:00 p.m.; Thursday until 4:00 p.m. Sunday; Alternate Thursday evenings from 5:00 p.m. until 7:30 p.m.

*Closely Integrated Options for a Cooperative Divorce*

- Every Thursday from 5:00 p.m. until 5:00 p.m. on Saturday; or
- Every Wednesday from 3:00 p.m. until 5:00 p.m. on Saturday with one parent; every Saturday at 5:00 p.m. until 3:00 p.m. on Wednesday with the other parent; or
- Every Monday and Tuesday with one parent; every Wednesday and Thursday with the other parent; Alternate weekends from Friday through Sunday with each parent.

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For the latter he suggests:

*Traditional Options for an Angry Divorce*

- Every other weekend from 5:00 p.m. on Friday until 4:00 p.m. on Sunday; Alternate Mondays from 5:00 p.m. until 7:30 p.m. on the Monday following the weekend spent with the residential parent.

*More Integrated Options for a Distant Divorce*

- Every other weekend from 5:00 p.m. on Thursday until 4:00 p.m. on Sunday; Every Monday evening from 4:30 p.m. until 7:30 p.m.

*Closely Integrated Options for a Cooperative Divorce*

- Every Wednesday from 3:00 p.m. until 5:00 p.m. on Saturday with one parent; every Saturday from 5:00 p.m. until 3:00 p.m. on Wednesday with the other parent; or
- Alternate weeks with each parent with exchanges on either Fridays or Sundays.

**6. Adolescence:**

6.1 Adolescence is a time of tumultuous change at the best of times. The major developmental tasks of this period in an individual's life are individuation or emancipation from parental control and development of a new identity based on changed physical appearance and newly acquired capacity for hypothetico-deductive reasoning. The sense of self established during adolescence will be reflected throughout adulthood and will influence the degree to which the adolescent ultimately achieves his / her potential.

6.2 Pressures arise as a result of such issues as becoming sexually active, deciding on a career path, confronting philosophical tensions and embarking on a journey via which a belief system will ultimately be

established. Core beliefs are likely to eventually reflect parental beliefs - but will probably involve rejection or serious modification of those beliefs - at least in the first instance. The conflict with parents and culture along the way is stressful for the young person as well as for parents and significant others, such as siblings.

6.3 Adolescence is a risky time too. Figures recently published by the Australian Institute for Suicide Research and Prevention indicate that in 2003, of the 2200 Australians who suicided, 14% were aged 15-24. Addiction to cigarettes, alcohol and illegal drugs is also a huge problem within this age group. Sexually transmitted disease and teenage pregnancy are still issues which can derail a young person's life – sometimes permanently. The role of parents at this time ideally involves a delicately balanced gradual relinquishment of control in favour of the self control of their offspring, whilst remaining available as benevolent advisors.

6.4 Time with peers is of vital importance to the normal adolescent and has a most significant role in helping to define identity. When parents are seen as too strict, the peer group will be turned to more. When the parents are inclusive and encourage negotiation, there is less orientation towards the peer group (Fuligni and Eccles, 1993).

6.5 Adolescents remain closer to their parents, achieve better at school, are happier, demonstrate better mental health, and are less likely to engage in delinquent behaviours if their parents are authoritative in parenting style (Silverberg, et al., 1992; Fletcher et al., 1995; Steinberg and Darling, 1994) rather than authoritarian or excessively permissive, indifferent or uninvolved (Maccoby and Martin, 1983).

6.6 Superimposing parental separation onto the existing conflicts of adolescence can destabilize them even more. Adolescents caught up in family conflict will often withdraw from the family into relationships outside the

home. The normal trend for friends to take on greater significance and to become a surrogate family may reach an extreme level, the peer group providing the sense of belonging, community, and stability that the family cannot. Normal adolescent concerns about the meaning of life, morality, the permanency of relationships, trust, and simply their own worth as human beings, will tend to be intensified under the conditions brought about by family breakdown. Under these circumstances, undesirable friends can provide the context to forget their worries through anti-social behaviours of one kind or another (Herbert, 1996).

6.7 Another common solution is for distressed, confused and ambivalent adolescents to reduce uncertainty and emotional pain by aligning themselves with one parent at the expense of their relationship with the other. This is concerning, since we know that both parents play important roles for adolescents. Topics discussed with fathers are different from those discussed with mothers (Gjerde, 1986; Smetana, 1989). Fathers have traditionally tended to be the authority figures influencing long term goals and to become involved in personal issues only when some special expertise is needed. Mothers, on the other hand, have been more likely to involve themselves in discussions about personal matters, these discussions having a propensity to become argumentative (Youniss and Smollar, 1985). The adolescent who is secure in the unconditional love of rational and "together" parents, can afford to indulge in the luxury of such hot debates. When one or the other or both parents are emotionally fragile as a result of the need to adjust to separation, the adolescent may feel unable to access this normal developmental tool.

6.8 Steve Biddulph recommends that separated primary carer mothers consider sending their sons to live with their fathers when they are about fourteen, since they are difficult to manage at this age and unconsciously need limit setting by a strong male figure (Biddulph, 1998, p111). This is difficult for a mother to do if she has little faith in the father's nurturing qualities or if she does not communicate well with him. In addition,

such action could be contraindicated if the boy has observed his father being violent and would certainly be dangerous if he has been the victim of the father's violence (Johnston, 1998). Lund (2004) refers to the tendency of adolescent boys to "migrate" to their father's home from traditional mother based custodial arrangements, in order to explore their relationships with their fathers and to consolidate the male identification process.

6.9 Girls have traditionally been thought to need the support and guidance of their mothers during adolescence and in my experience, the mother will more than likely be the one to receive an adolescent daughter's vote for a traditional custodial arrangement – for much the same reason as the opposite tends to be the case for boys. However, this will of course depend on a host of variables – such as the personalities of the adolescent girl and her parents, the history of conflict resolution within the family, the capacity of the father to "let his little girl grow up" and the mother's ability to parent without dominating.

6.10 Lund (2004) points to the need to respect each adolescent's preference and to the normal desire to spend more time with peers, one parent's home often being used as a base, but the number of nights spent there possibly not differing greatly from the number spent at the other parent's home. She also points out what we all know - that at adolescence, the importance of joint decision making and improved communication is likely to be even more important than at earlier stages of development, because of the need for parents to unite in dealing with the oppositional behaviour of their offspring.

**In Conclusion:**

If you are confused, then I have achieved my goal. There is no easy way to match children's developmental needs to the amount of time spent with each separated parent and how that time is spent.

To consider the best interests of each child has always been a daunting task. It is becoming even more difficult. We can no longer hide behind "traditional" arrangements – many of which are based on outdated precepts and myths.

The aim should be for children to be the winners – not the social scientists or the lawyers. When you ask the question, "What does the research say?" please bear in mind the enormity of what you are really asking.

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